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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,199	08/06/2001	Hitoshi Inoue	B984-052	8890
26272	7590	04/06/2004	EXAMINER	
ROBIN BLECKER & DALEY 2ND FLOOR 330 MADISON AVENUE NEW YORK, NY 10017			BELL, PAUL A	
			ART UNIT	PAPER NUMBER
			2675	8

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,199

Applicant(s)

INOUE ET AL.

Examiner

PAUL A BELL

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2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-27 and 29-49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1,3-14,16-27 and 29-39 is/are allowed.
6) ☒ Claim(s) 40-49 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berliner (6,181,768).

With regard to claim 40 Berliner teaches an image display apparatus (figure 1, item 10) comprising: storage means for storing a plurality of images of the same subject (figure 1, item 20 "computer system" items 24, 26 and 15) along with information relating to a correspondence relationship between the images and times when the images were taken, searching means for searching for images having a correspondence relationship there between from the plurality of images stored in said storage means (It is obvious that the medical technician who uses this device to take a plurality of pictures of a plurality of patients each day would use "a correspondence relationship" which is common such as giving the image file, names related to "patient names", "patient social security numbers" etc. and further with regard to "time" it is a standard practice for a

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computer operating system to assign a "time" of creation to the properties of the file and further these common file naming procedures (as broadly read) would be used to search for files at a later time. To summarize these are simply viewed as mere recitations (when broadly interpreted) directed towards the "OBVIOUS INTENDED USE" of the apparatus of Berliner), display means for displaying two of the images in a manner enabling an observer to fuse the two images together for stereoscopic viewing and display control means for reading any two of the images from said storage means and controlling said display means to display the read two images (figure 1, items 22, 24, and 26 column 2, lines 29-44).

With regard to claim 45 Berliner teaches an image display method (figure 1, item 10) comprising: a storage step of storing a plurality of images of the same subject along with information relating to a correspondence relationship between the images and times when the images were taken; a searching step of searching for images having a correspondence relationship there between from the stored images (figure 1, item 20 "computer system" items 24, 26 and 15. It is obvious that the medical technician who uses this device to take a plurality of pictures of a plurality of patients each day would use "a correspondence relationship" which is common such as giving the image file, names related to

"patient names", "patient social security numbers" etc. and further with regard to "time" it is a standard practice for a computer operating system to assign a "time" of creation to the properties of the file and further these common file naming procedures (as broadly read) would be used to search for files at a later time. To summarize these are simply viewed as mere recitations (when broadly interpreted) directed towards the "OBVIOUS INTENDED USE" of the apparatus of Berliner); a first display step of displaying results of the search; and a second display step of displaying any two images selected from the search results so as to be viewable as a stereoscopic image figure 1, items 22, 24, and 26 column 2, lines 29-44).

With regard to claims 41 and 46 Berliner teaches an image display apparatus as claimed in claim 40, wherein said display control means includes image processing means for carrying out different image processing on each of the two images displayed on said display means (In figure 1 items 24 and 26 it is obvious that at least the minimum levels of processing is done on each images file in order to display one file on the left and display the other file in a different way on the right side).

With regard to claims 42 and 47 Berliner does not illustrate an image display apparatus as claimed in claim 41, wherein said image processing means carries out processing to

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make the two images different in color, however, since color adjustment in a display image is a well-known capability in a display system it would be obvious for the user such as a doctor to adjust the color in each image to bring out maximum contrast in order to make a proper diagnosis and the fact that eye is different will likely result and different color adjustment in each image.

With regard to claim 43 and 48 Berliner teaches an image display apparatus as claimed in claim 41, wherein said image processing means carries out processing to make one of the two images flash (these are video images on item 22 the inherent frame update rate reads on the broad language "flash" also see column 3, lines 34-44).

With regard to claim 44 and 49 Berliner teaches an image display apparatus as claimed in claim 40, wherein said display control means causes search results from said searching means to be displayed as a list of reduced images, and controls said display means to stereoscopically display two images selected from the displayed list (figure 1, items 24 and 26).

Allowable Subject Matter

3. Claims 1, 3-14, 16-27, 29-39 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: There was allowable subject matter in dependent claims 2, 15, and 28 and applicant merged all the limitation into the independent claims 1, 14, and 27 in paper #7.

COMMENTS

With regard to independent claims 40 and 45 it may be possible to bring in from the specification more details related to the "time" feature to overcome Berliner and the other prior art which tends to be more directed towards pictures taken at different angles not so much different times but the fact that they are taken at different times a few seconds apart with the same camera reads on your broad language. It seems your looking for a noticeable change in the subject over a long period of time and you try to get the same angle in relation to the subject for each picture.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019.


If attempts to reach the examiner by telephone are unsuccessful the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377 can help with any inquiry of a general nature or relating to the status of this application.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or Faxed to: (703) 872-9306

Or Hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


Paul Bell
Art unit 2675
April 5, 2004


STEVEN SARAS
SUPERVISORY PATENT EXAMINER
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